

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL DEPOSIT INSURANCE
CORPORATION AS RECEIVER FOR
SILVER STATE BANK,

Plaintiff,

v.

COREY L. JOHNSON; DOUGLAS E.
FRENCH; and GARY A. GARDNER,

Defendants.

Case No. 2:12-cv-00209-KJD-PAL

**JOINT STIPULATION DISMISSING
ACTION WITH PREJUDICE PURSUANT
TO FED. R. CIV. P. 41(a)(1)**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Federal Deposit Insurance Corporation as Receiver for Silver State Bank ("FDIC-R") and Defendants Corey L. Johnson, Douglas E. French, and Gary A. Gardner ("Defendants") respectfully inform that the matter has settled and the Settlement Agreement has been consummated by the FDIC-R, the Defendants, and Progressive Casualty Insurance Company.

Fed. R. Civ. Pr. 41(a)(1)(A) provides that an action may be dismissed by the plaintiff without order of the court by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared. Here, all parties to this litigation who have appeared have signed and consented to the dismissal with prejudice of this action.¹

The FDIC-R has received the Settlement Payment pursuant to the terms of the Settlement Agreement. Therefore, Plaintiff files this notice of voluntary dismissal with prejudice of the

¹ A fourth individual, Timothy S. Kirby, was originally named as a defendant in this matter. Mr. Kirby is deceased and was terminated as a party effective March 3, 2014.

above styled case against Defendants. Plaintiff and Defendants have agreed that each party is to bear its own fees and costs.

So Stipulated.

Date: March 16, 2015.

MULLIN HOARD & BROWN, LLP

By: /s/ Anthony W. Kirkwood
Anthony W. Kirkwood (*pro hac vice*)
David Mullin (*pro hac vice*)
John G. Turner, III (*pro hac vice*)
500 South Taylor
Amarillo, TX 79101
(p) 806-372-5050
(f) 806-372-5086

BALLARD SPAHR LLP
Stanley W. Parry
100 N. City Parkway, Suite 1750
Las Vegas, NV 89106
(p) 702-471-7000
(f) 702-471-7070

Counsel for Plaintiff Federal Deposit Insurance Corporation as Receiver for Silver State Bank

FLANGAS MCMILLAN LAW GROUP

By: /s/ John R. McMillan
John R. McMillan
Gus W. Flangas
Jessica K. Peterson
3275 S. Jones Blvd., Suite 105
Las Vegas, NV 89146
(p) 702-307-9500
(f) 702-382-9452

Counsel for Defendant Corey L. Johnson

FOX ROTHSCHILD LLP

By: /s/ Patrick J. Egan
Patrick J. Egan (*pro hac vice*)
Eric E. Reed (*pro hac vice*)
2000 Market Street, 20th Floor
Philadelphia, PA 19103
(p) 215-299-2000
(f) 215-299-2150

Brett A. Axelrod
3800 Howard Hughes Parkway, Suite 500
Las Vegas, NV 89169
(p) 702-262-6899
(f) 702-597-5503

Counsel for Defendant Douglass E. French

EMMEL & KLEGERMAN PC

By: /s/ Allen D. Emmel
Allen D. Emmel
5586 S. Fort Apache, Suite 230
Las Vegas, NV 89148
(p) 702-473-9842
(f) 702-722-6185

Counsel for Defendant Gary A. Gardner

ORDER

IT IS SO **ORDERED**.



UNITED STATES DISTRICT JUDGE

DATED: 3/25/2015